

agenda. But that unfinished agenda in this Congress is mighty long and also mighty important.

The Senator from Iowa talks about the Patients' Bill of Rights, education issues such as the crumbling schools, smaller class sizes—a whole series of initiatives that we really should get to. The Senator just asked unanimous consent—I guess it was a nomination he was attempting to get to the floor of the Senate.

I made this point last week to the consternation of a couple of my friends here in the Senate, but I think it is important to make it again. On September 22, a motion was brought to the floor of the Senate, a motion to proceed to the consideration of S. 2557. That is an energy bill. That motion to proceed has now been pending here in the Senate for a month and a day. On September 22 it was put on the floor, and it has been here for 1 month and 1 day. My feeling is that the motion to proceed is here—and we are not voting on it and we are not proceeding—it is here because it is a motion to block any other effort to bring up any other issues. We have a wide range of issues; I suppose some of them are being negotiated these days, but most of them will remain unfinished at the end of this session.

The Senator from Iowa, who has a real passion to want to get certain things done, is unable on a Monday or Tuesday to come to the floor to say I want to offer a motion to proceed on his issue. Let's assume it is the minimum wage. He wants to test whether time has changed some minds on the minimum wage. He is unable to offer that. The Patients' Bill of Rights? He has been unable to offer that. Campaign finance reform? Unable to offer that. Why? Because there is a motion pending, and the motion pending is the motion to proceed to the consideration of S. 2557, a bill that I do not believe was ever intended to come to the floor. But the motion pending is a motion to block the efforts of others who might want to offer a motion here on the floor of the Senate. That is what I think is thwarting the interests of the Senator from Iowa.

When he described the unfinished business, one might say: If it is unfinished, why don't you come down here and make a motion? The Senator cannot make a motion because that particular motion to proceed has been blocking anyone else from offering anything for a month and a day.

The Senator did ask unanimous consent. Of course, unanimous consent never clears here. There is always an objection to unanimous consent to move to something. Then the question would be, Why couldn't he just make a motion? The answer is: You can not move to it because we have a blocking motion that has been here for a month and a day.

Mr. HARKIN. If the Senator will yield, I thank the Senator for pointing that out. I am as guilty as anyone—we get wrapped up in the language of the Senate, the language of legislation. I did not realize until now the Senator is making the point that the average person out there, maybe listening to what I said about the fact that we have not brought up or voted on a Patients' Bill of Rights or prescription drugs or Medicare or an increase in the minimum wage—we haven't brought any of those up—might say: Why don't you bring them up? The Senator has pointed it out—we cannot because we are blocked.

Again I ask the Senator, to again clarify this one more time. This motion to proceed that has been here for a month and a day—is it the observation of the Senator that nothing has been done to move to that? We have not gone to that bill. It has just been sitting there. Does the Senator see any move on that side to go to S. 2557, whatever it is?

Mr. DORGAN. I would say after a month now it is quite clear this motion to proceed is simply an effort to block the opportunity of others to offer amendments. People have a right to do that in the Senate. But they should understand, as I said last week to some colleagues who were on the floor, one can chaff quite a bit at that kind of treatment because it means the passions that brought a number of them to the Senate to do certain things, come here and use all the energy you have to advance good public policy—those passions cannot exist in a circumstance where you are not able to offer motions even to pursue the kinds of things you think this country needs to be doing.

We just saw the chart of the Senator. Some of them said we should probably increase the minimum wage a bit at the bottom. We have 3 million workers working a full 40-hour week trying to raise the family on the minimum wage. They are at the bottom of the economic ladder. This Congress was real quick to say the folks at the top of the ladder, we need to give them a huge tax cut but not quite so quick to say let's help those at the bottom of the ladder.

Some might say we had a vote on that. Yes, we had a vote on that a long time ago. Maybe we ought to have another vote and see whether there is now the will to proceed for some modest increase in the minimum wage. Can we have that vote? No, you cannot offer that nor can I. I offer that as an example.

Mr. HARKIN. If the Senator will yield, I was at a town meeting last week and had an interesting question posed to me by a man in the audience. He said, why don't you people there work more closely together? Why don't you get along a little bit better? Why is there all this bickering? Why can't you just work these things out?

I thought about that. I responded to him and said, we would love to do that but in the legislative process, the way you work things out is, I have my position; you have your position. What we do is we send the bills to the committee; we bring them on the floor; we debate them—full, open, public debate. We may offer amendments. Maybe I want to change it a little bit, maybe you want to change it a little bit. Then when that is all done, you vote and you let the chips fall where they will.

That is the legislative process. That is what the people of this country deserve. I said to him: The way the rules are set up now in the Senate, I do not get to debate or vote or offer amendments that I think might improve a bill as I might want to improve it. I might lose, but that is all right. At least I have made my case. At least we have had a vote. At least my constituents will know where I stand and what I want to do. I may not succeed, but at least I made my case.

The way the situation is on the Senate floor today, I cannot make that case. I cannot tell my constituents I have fought the fight for them because I have been blocked by the rules of the Senate. I say to my friend from North Dakota, it is grossly unfair. It is unfair to the people of this country to have this kind of blockage where we cannot offer amendments, debate, vote up or down, and move on with the business of this country.

Mr. DORGAN. Mr. President, I will make one additional comment. A Patients' Bill of Rights is an awfully good example of where we are at the moment. A bipartisan Patients' Bill of Rights passed the House of Representatives which does what ought to be done: It gives patients protections against some of the practices of HMOs that allow accountants to practice medicine rather than have the doctor and patient decide what is best. The fact is, there has been a change in the Senate. The House passed a bipartisan bill, a good bill, and the Senate passed a watered down bill.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. The Senator seeks 3 additional minutes. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. A bipartisan bill passed the House. The Senate did not pass a bipartisan bill. It was a shell of a bill. Things have changed in the Senate, so if we had another vote on it, we would prevail. One Senator is gone; a new one is here. We would have a 50-50 tie. The Vice President would break the tie, and the Senate would pass the Patients' Bill of Rights. We are unable to get to the vote despite the fact, in my judgment, a majority of the Senate would now support a real Patients' Bill of Rights. We would then be in conference with the House having passed

one. We would pass one, and the American people would have a real Patients' Bill of Rights.

Mr. HARKIN. That is right.

Mr. DORGAN. One other issue. I asked the majority leader a question about how the tax issues will come to the floor. It looks to me as if a menu of tax issues will come to this floor in the last hours put in a small business authorization bill. I believe the House has actually added other conferees to that conference who are not part of the Small Business Committee.

A small business authorization bill will now be the carrier for all kinds of tax provisions in a conference report, and no Member of the Senate who cares about taxes and wants to have a role in that, perhaps offer an amendment, or have some discussion about what ought to be in or out, no Member of the Senate is going to have that opportunity. It is done in a conference by a few people in a bill that is totally unrelated.

It will come in a conference report, and the result is none of us will have the opportunity to do much about it. The majority leader is a friend. I talked with him one day and said running this place is similar to that commercial on television where those leather-faced cowboys wearing chaps and buckskin vests, riding those big old horses, are herding cats, trying to run cats through the sagebrush, talking about what a tough job that is. I understand that. Running the House and the Senate probably is not much different.

I do believe at some point we have to be in a situation in the Senate where we use the rules to allow everyone to have their day and everyone to have their say, and at the end of the day we vote. If you lose, you lose, but you need the opportunity to have the votes so the Senate can express its will on a series of important issues.

Frankly, this blocking motion that has existed now for a month and a day that prevents the Senator from Iowa, me, or anyone else from offering, for example, the Patients' Bill of Rights on which we would now prevail, is what stands between the American people and a good Patients' Bill of Rights. The result is that men, women, and children will discover when they go to a doctor's office they will be told: Yes, you now have to fight your cancer, but you also have to fight your HMO to get payment for the treatment that you need from your oncologist.

That is happening all too often. The legislation we aspire to pass evens up the score a bit. It says patients have rights and those rights cannot be abridged or abused. We can pass that in the Senate if someone will take that blocking motion off, and we will get one more vote on a Patients' Bill of Rights. This vote will be 51 for, with the Vice President voting for, and 50 against.

I say to those who have this blocking motion, give us the opportunity this afternoon or tomorrow or Wednesday, and we will pass it and go to conference. It will take an hour in conference to resolve the House and Senate bills, and the American people will have a Patients' Bill of Rights.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORK OF THE 106TH CONGRESS

Mr. LOTT. Mr. President, time has been reserved for two or three other Senators. We are checking to see if they are going to make it this afternoon.

While we are waiting on that, I do want to put in the RECORD a report of some of the things that have happened in the Senate.

There are those who are complaining that the Senate has not been doing its business. In fact, I have about four pages of legislation that has been passed over the past 2 years, but I want to read the list of things that have passed since Labor Day alone. I am not going to read them all. When the assertion is made the Senate has not been doing serious work, this belies that and makes it clear we have been doing very important and serious work.

For instance, we have already repealed the telephone excise tax, a tax that was put on temporarily to help pay for the Spanish-American War. That was a part of one of the bills we passed a week or so ago. That has been repealed.

We passed the Safe Drug Reimportation Act as part of one of the bills that passed last week.

We passed permanent normal trade relations with China, legislation I am sure most people would describe as important trade legislation, whether they disagreed or agreed with it.

We passed the H-1B visa bill which certainly has a very important effect on small businesses and high-tech industries in the United States, as well as other bills related to children's health, breast and cervical cancer prevention, rural schools and community self-determination, and Aimee's law wherein a State can require or use law enforcement funds in relation to the release of a convict who commits a crime in another State. That information can be provided to the other State.

The Violence Against Women Act was passed; victims of terrorism legislation; the Water Resources Development Act, including the very impor-

tant Everglades provisions. We passed portions of the conservation bill called CARA, and perhaps even more of it will pass before we leave. We passed the intelligence authorization bill; the NASA authorization bill; and the Department of Defense authorization bill just last week, very important legislation for the future of our military men and women, not only in terms of their readiness and modernization of their equipment, but also a pay raise of 4.8 percent for our military men and women, and the strongest health care package for our military men and women, their families, and our retirees in the history of the country.

In addition, we have passed seven appropriations conference bills. There have been questions about the tax bill. I do not think there is any big secret about it. All you have to do is look at bills that have passed the House or the Senate or the Finance Committee, and you will see that there is the community renewal legislation, which has the support of the President, the Speaker of the House, and a number of Senators. There has been an expectation that it would be done in some form before we leave; the very important improvements in pensions and IRAs, as well as 401(k)s, so that a greater amount can be put into these IRAs and 401(k)s.

Then, since we have not been able to overcome objections from some of the Senators—I think Senator WELLSTONE, Senator KENNEDY, and maybe others—the small business tax relief package, which is attached to the minimum wage, would be something that we want to get done before we leave here.

Finally—certainly not least—I have tried to move, several times, the Foreign Sales Corporation legislation reported overwhelmingly by the Finance Committee—very important for our ability to do business in the trade area with Europe. We have not been able to clear it from an objection.

So the expectation is that several of these bills that have broad bipartisan support would be joined together and passed before we leave at the end of the session. So I want the RECORD to reflect a portion of what has been done since Labor Day—not exactly an inactive period of time.

Mr. President, so that this will be made a part of the RECORD, I ask unanimous consent that my entire list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATION CLEARED BY CONGRESS, SIGNED INTO LAW OR ENROUTE TO PRESIDENT'S SIGNATURE JUST SINCE LABOR DAY

Telephone Excise Tax Repeal (to fund Spanish-American War).

Safe Drug Re-Importation Act.

Permanent Normal Trade Relations with China.

H-1B Visas.

Children's Health Act.